

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
OCTOBER 7, 2014

Members Present: Lorraine A. Brue, Chairman
John R. Gray, Vice Chairman
Virginia M. Coppola, Clerk
James J. DeVellis

Others Present: William G. Keegan, Jr., Town Manager
Ms. Mary Beth Bernard, Assistant Town Manager
Chief Edward O'Leary
Attorney Frank Spillane
Mr. Jack Torsiello
Mr. Larry Thomas, Advisory Board

David Feldman was not present for this meeting.

The meeting was brought to order at 7:00pm by Chairman Lorraine Brue.

Ms. Brue reviewed the agenda.

7:00pm – Citizens Input – Chief Edward O'Leary – Chief O'Leary came before the Board to inform the Board that H.U.G.S. Foxborough will be running their annual walk on October 18, 2014. It will be held at the Public Safety Building and the event itself starts at 10:00am and registration starts at 9:00am.

The route of the walk is on the sidewalks that lead from the Garden of Courage where the event will start and it will go to the sidewalks on North Street to Payson Road and back to the Garden of Courage.

There will be a display from New Hope as part of the project as well as a Touch a Truck event if families want to bring their children.

Chief O'Leary wanted to just update the Board on a really positive project that citizen volunteers are really involved in. Especially where October is Domestic Violence Prevention Month. That is why they are taking part in this effort.

7:03pm – Chairman's Update – Ms. Brue welcomed Mary Beth Bernard our new Assistant Town Manager to her first official meeting.

There will be a special Memorial Service for the Firefighters on October 19, 2014 at St. Mary's at 11:00am followed by an awards ceremony at the McGinty Room at 12:15pm.

The Board has a request for a joint meeting with the School Committee regarding budget discussions and a proposal for a Joint Maintenance budget approach. They are trying to get a quorum for either Monday, November 10, 2014 or Tuesday, November 25, 2014. Mr. Gray and Ms. Coppola both stated they would be available on November 10, 2014. Ms. Brue stated that they would have a quorum for Monday, November 10, 2014.

7:10pm - Action Items

Motion was made by Virginia Coppola to approve the acceptance of the \$5,000 Grant from the Executive Office of Public Safety to The Foxborough Police Department to be used to mitigate underage drinking. Seconded by John Gray. **Vote 4-0-0**

Motion was made by Virginia Coppola to approve the Change of Hours application for Gulf Resources, Inc., 20 Washington Street to amend the hours to a 10:00am Sunday opening as of October 23, 2014. Seconded by John Gray. **Vote 4-0-0**

Motion was made by Virginia Coppola to approve the acceptance of a donation of \$100 to the Animal Control Officer by Bonnie and Bryan Goodwin. This is for the adoption of King. Seconded by James DeVellis. **Vote 4-0-0**

Motion was made by Virginia Coppola to approve the acceptance of a donation for \$4,148.02 from various donors through gofundme.com as presented to the Recreation Department by Joseph Erhard for the repair and maintenance of the skateboard park. Seconded by James DeVellis. **Vote 4-0-0**

Motion was made by Virginia Coppola to approve the acceptance of a donation for \$200 to the Recreation Department from Michael and Mary Stanton for the skateboard park project. Seconded by John Gray. **Vote 4-0-0**

Motion was made by Virginia Coppola to approve the acceptance of a donation for \$200 to the Recreation Department from the Foxboro Fish & Game for the skateboard park project. Seconded by John Gray. **Vote 4-0-0**

Motion was made by Virginia Coppola to approve the acceptance of a \$25 donation to the Boyden Library for the purchase of a Memorial Book from the Foxboro Garden Club. Seconded by John Gray. **Vote 4-0-0**

Mr. Keegan stated to the Board that there was another item that he had spoken about with Debbie Giardino that he wanted to mention to the Board as they are not sure that it is going to happen yet. The Recreation Department may be utilizing space at Schneider Electric's facilities (cafeteria) for a dance. Mr. Keegan wanted to bring this to the Board's attention because this is in the form of a gift. They are still working out the details and this will happen before the Board's next meeting.

Mr. DeVellis asked if this was the dance they have been traditionally doing in the past few years. Ms. Giardino stated yes. There is a change in paperwork as it is a new company and they will know by 9:00am tomorrow morning. The dance will still be held, it just may not be there.

Motion was made by Virginia Coppola to approve the September 9, 2014 meeting minutes as amended. Seconded by John Gray. **Vote 4-0-0**

Motion was made by Virginia Coppola to approve the September 23, 2014 meeting minutes as amended. Seconded by John Gray. **Vote 4-0-0**

7:15pm – Public Hearing – Reserve Bin/Antonia’s Deli – Transfer of an Annual Wine & Malt Liquor License – Attorney Frank Spillane & Giacomo Torsiello

Ms. Coppola read the public hearing notice.

Attorney Spillane explained that this is a request for a transfer of an annual wine and malt liquor license from Reserve Bin to Antonia’s International Foods, Inc./Antonia’s Deli both of which are located at 369 Central Street (Foxfield Plaza).

Antonia’s Deli right now is operating as a restaurant/delicatessen and at this time the Reserve Bin, Inc., is looking to transfer out of its own name and Antonia’s Deli wants to take over the liquor license.

A lengthy discussion ensued.

Antonia’s Deli had an on-site beer and wine liquor license (for seven years) but let it lapse because of the liability/non-profitable.

The new license will be an off-premise consumption liquor license (alcohol cannot be consumed at the restaurant/delicatessen).

They are trying to build a clientele who will come in to purchase prepared foods to eat at home and at the same time hopefully buy wine or beer to go with that meal.

There is a relationship between the two ownerships. Jack’s wife owns the Reserve Bin and Jack and his parents own/run Antonia’s Deli so they would like to keep it within the site and within the family.

Their long term plan is to enlarge their client base with their prepared foods. Foxfield Plaza has had a few redevelopment plans but nothing to-date has come forward. Whenever they have met with developers it has always been known that they want to stay on-site. All of the tenants there now are on an at-will basis.

Any new developer would triple any new rent so they are looking also to the future where they would try to enlarge their footprint centering on prepared meals for their clients and with that beer and wine.

Mr. Gray stated that he knows the store and asked how the store would be set up for the alcohol.

Attorney Spillane explained the layout to the Board.

Mr. Gray stated that he assumes that it will not be the same type of inventory that the Reserve Bin carried.

Attorney Spillane stated no, not at this time.

Ms. Coppola had asked Sandra Herrmann about this and she wanted the audience to know that this license does not allow for someone to order a sub and beer and drink this at the establishment. That would be a “Bring Your Own Booze” situation and the Town of Foxborough doesn’t allow that. This will be just a retail store for beer and wine.

Ms. Brue asked Mr. Torsiello when they had their liquor license were all his employees trained.

Mr. Torsiello stated the last time they hired a company to do a class at the restaurant. Mr. Torsiello also attended a class at the Public Safety Building.

Mr. Gray asked how many employees they have. Mr. Torsiello replied eight.

Ms. Brue asked for him to work with Chief O’Leary to figure out if training is needed for his staff.

Ms. Brue asked for a motion to close the hearing.

Motion was made by Virginia Coppola to close the hearing on the Transfer of the Annual Wine & Malt Beverage Liquor License from Reserve Bin to Antonia’s Deli. **Vote 4-0-0**

Ms. Brue asked for Discussion.

Mr. DeVellis stated that what he likes is that it is a family run business; they are very sincere people and have an impeccable reputation.

Mr. DeVellis stated that this is a situation where we have one license and are just sliding it over so we are not creating a new license.

Mr. DeVellis also liked they had an alcohol license where they could serve in their restaurant in the past and believed there were never any issues.

Mr. DeVellis was a little anxious when he saw this coming on the heels of nine (9) liquor violations how this Board was going to handle it but actually thought this was a very good proposal.

Mr. Gray stated he thought their focus was on the food and it should make for a pretty good business and hopefully drive more traffic towards them.

Ms. Brue stated that the idea he is doing is really a great approach and hopefully they will be very successful.

Motion made by Virginia Coppola to approve the transfer of the Annual Wine and Malt Beverage Package Store License from the Reserve Bin, Inc., to Antonia's International Foods, Inc. D/B/A Antonia's Deli at 369 Central Street, Foxborough, MA. Seconded by James DeVellis. **Vote 4-0-0**

7:30pm – Discussion on the Alcohol Compliance Checks

Mr. Keegan's recommendation to the Board is that they split the hearings up into two nights to give them the proper hearing and notice.

Mr. Keegan asked if it is the Board's wish to work directly with town counsel and counsel for the violators and then present a proposed resolution to the Board.

Mr. Gray stated that there are nine violations and to process four one night and five the next, along with conducting our other business it might take three nights.

Ms. Brue asked if they could consider having a separate special meeting so that is all the Board will be concentrating on.

Mr. Keegan stated he thought it would be better to do two nights just for that.

Mr. DeVellis suggested leaving it on the Tuesday schedule meeting every week instead of every other week. One week would be liquor hearings and the other week would be regular business.

Ms. Brue stated maybe they could do it in two nights (4 one night/5 the next).

Mr. Keegan stated that one establishment is more problematic than the others (longer history) and may take more time to resolve.

Mr. DeVellis stated that during his term they have had three different town managers (one being an Interim Town Manager) and three different ways to handle the liquor violations. One process there had been discussions with attorneys, town managers and their counsel outside of the Board and when it came to the Board it was refined but it was a little sterile. The facts were all negotiated and we stamped it. I personally don't want to go through that again because I have seen that it doesn't work with some of the people we are going to have back in front of us. I would rather have the discussion at this table and not between the two attorneys.

Mr. Gray stated that he agreed with Mr. DeVellis and he would like to air it out.

Ms. Coppola also agreed with this. She also asked if they could have information provided to them such as:

- A history on each establishment (infractions, etc.)
- A copy of the Board of Selectmen minutes from the previous hearings

Also, the first time that Ms. Coppola experienced a hearing the young looking person actually came to the meeting. The last time they only had photos.

Chief O'Leary stated that the last time they had a hearing they had pre-meetings with both the counsel of the previous violators and they acknowledged the fact that the person that was presented was a person underage.

The hearings last year that only involved three establishments we didn't actually present evidence to the Board, it was much like a court case where the defendants were pleading guilty and the Board listening to their mitigation of the penalty phase made decisions on that.

The Chief will have Sergeant Noonan prepare their witness as well as testimony from both he and Officer Foscaldo so that viable cases will be presented for the Board to hear and for them to make independent judgment.

The Chief can certainly appreciate the Board asking for previous information however the Board is dealing with just the issue in front of them and wouldn't want anything from the past that might prejudice the initial determination of the facts of the case. That has to be completely independent of any research into the background that you do.

Mr. Gray asked if the Chief was saying that the track record is not relevant at all.

Chief O'Leary explained that in the penalty phase it is very relevant but prior to reaching a decision they have to present the facts of each particular incident. Once the Board makes their determination then it is appropriate to take a look at people's track record.

Ms. Brue asked Mr. Keegan if they could check with Special Liquor Counsel to see if it is appropriate for them to receive as part of the hearing packet that night the history so that when we get through the hearing it will be in front of us.

The other question Ms. Brue had was the liquor license regulations themselves I believe Chief that they reference a certain timeframe of look back related to history.

Chief O'Leary explained in the punishment area there is specific language which he believes is a three year look back so it would have to be within that three year period if a violation was found on any of the licensees we have in the community.

Mr. DeVellis asked if that is a town violation or a state violation because there was one in the past that the Board had been dealing with at the local level and there was something going on at the state license level.

Mr. Gray asked if it was state protocol or our protocol.

Ms. Brue stated that it was our protocol but the information was not available to us.

Ms. Brue asked Mr. Keegan to confirm if they can use that information even though it was not in front of their Board.

Ms. Coppola asked if when they get that information for the penalty phase can they have time to review it.

Mr. Keegan asked to let him review this with counsel and he will send them something directly as to how this should properly proceed. We will provide the Board with what counsel suggests in their packets.

Ms. Coppola asked if they can have the person at the meeting.

Chief O'Leary stated that he will make arrangements based on the schedule that they discussed tonight. Sergeant Noonan will notify him and if at all possible appear exactly as he was dressed that particular night.

Chief O'Leary stated that he would be a primary witness at least initially and would be able to give evidence directly as to what occurred at each facility.

The Board discussed possible meeting dates for the hearings.

7:40pm – Special Town Meeting Draft Warrant

Mr. Keegan stated that the chart for the warrant items was in response to the Board's discussion at the last meeting.

At this point in time there are eight (8) items that are still under consideration by the Board (Mr. Keegan listed those (8) items as well as the four (4) items removed).

Ms. Brue stated that they should proceed down the list in this order and decide whether they want to move forward with it or remove it.

1. Police Officer Position Budget Adjustment Consensus to Move Forward **4-0-0**
2. DPW Administration Building Addition Consensus to Move Forward **4-0-0**
3. Town Hall Project Funding Soft Costs Consensus to Move Forward **4-0-0**
4. Sign By-Law (Changed Sponsor to BOS) Consensus to Move Forward **4-0-0**
5. Additional Liquor Licenses – Ms. Brue stated that they had a joint meeting with the Planning Board the week before and had a good discussion. I had explained what some

of the thoughts were behind this related to looking at the parcels of land coming up for potential auction as one item.

Ms. Brue stated that based on the input received from the Planning Board she is suggesting that they put this warrant article on hold until the spring so as not to rush it through and that also the most important thing is the building will have sewer.

A lengthy discussion ensued as to each Board members reasoning and all agreed to put the Additional Liquor Licenses warrant article on hold until the spring meeting.

- | | |
|---|--|
| 6. Zoning By-Law Deleting Accessory Apartments | Consensus to Move Forward 4-0-0 |
| 7. Zoning By-Law Foxborough Center Overlay District Map | Consensus to Move Forward 4-0-0 |
| 8. Zoning By-Law Height of Buildings | Consensus to Move Forward 4-0-0 |

Motion made by John Gray for the Board of Selectmen to move forward with Warrant Articles 1, 2, 3, 4, 6, 7, 8 as presently numbered to go to Special Town Meeting. Seconded by Virginia Coppola. **Vote 4-0-0**

Mr. Keegan stated that based on conversations the Board had, a finer process is needed on how the Board wants to proceed with warrant articles.

A lengthy discussion ensued about the following concerns/possible alternatives:

- Other Boards and Commissions have 6-8 months to develop the warrant articles and that is what she would like to see for the Board of Selectmen.
- A cutoff date by which warrant articles need to be submitted so the Board and Ad Com have time to properly vet them. (7-8 weeks and then after that nothing more can be presented).
- Financials can only be started so early in order to be accurate.
- Holding public hearings on each warrant article or an open forum
- Better description on agenda

Mr. Keegan asked if there were any other items that anyone can foresee putting on the list for consideration.

Ms. Bernard stated from a timing perspective the Town of Westwood generally in January opened and closed the warrant and reserved two or three articles called "Selectmen Articles" for unseen articles that may come up.

Mr. Keegan stated that every article that goes on that warrant is something that the Board feels comfortable putting forward.

Mr. DeVellis stated that the spreadsheet should have the following categories listed:

- Warrant Article Proposed
- Advertising Date
- Author
- A summary of why they are doing it
- Article Itself
- What town meeting to put it on

We can remind people that if you have good ideas you can sponsor an article if you get the numbered signatures, put a proposal together and bring it in front of the town and I think that's how you get a lot more people involved.

Mr. Keegan stated it is always better when multiple boards can support each other on an article at town meeting because it gives the voting public confidence that our public leaders are all in sync on the same issues. That is a very valid point.

Ms. Brue stated that if they were attending other board meetings she thinks it would be helpful if during our Selectmen's Update giving a brief synopsis of what you have heard and if the board members think it warrants being an agenda item in the future we should do that.

Ms. Brue stated that with the additional liquor licenses being an issue that will take much study Ms. Brue wanted the Board to consider and whereas Ms. Coppola has looked into the legislation already she wanted to volunteer Ms. Coppola to look at that project.

Mr. Keegan stated that she should think about who is the right audience for this, who are the right players for the discussion and then start looking at some outreach meetings to try to get out as much information as possible.

Ms. Brue stated that the other item she wanted to mention that has been out there for a couple of years is the Personnel Wage By-Law. This is something that has been discussed for a long time.

Mr. Keegan stated that Ms. Bernard and he have had a lot of discussions about this in the last two days for revamping it.

Mr. Thomas appeared before the Board stating he had the following concerns:

- Ad Com still does not have a warrant in which Mr. Keegan stated that he thought he saw it at the last meeting. Mr. Thomas stated that the Chairman might have it but they don't.
- Ad Com can't vote on it until they have language that they are fairly certain is what is going to be presented at town meeting.

- Spending time on vetting an article that gets dropped.

Attorney Spillane stated that what Mr. Thomas was saying is that technically they cannot vote on a warrant article until the Board votes the warrant. There is no warrant until the Board votes it. I understand the frustration of Ad Com but you also have to go through that process.

8:15pm – Town Hall Working Group

Mr. Keegan stated that the Town Hall Working Group had met again this evening.

They are going to set a time for a public meeting on October 30, 2014. We chose that date because the Board of Selectmen will be meeting on October 28, 2014 to give their approval to the architect of choice at that point.

Mr. Gray asked if this will be a two-way discussion or will you just be giving information.

Mr. Keegan stated that they will provide a presentation of all the information that we have, the recommendations we are making and why and then people can ask questions.

It is important to hear why people disagree and in the same token it is important for us to know what we have missed. This will enable us to gather more information if necessary before town meeting.

Mr. DeVellis asked if this was the same presentation that Mr. Keegan did at the joint meeting with the Advisory Committee, the Permanent Building Committee, Town Hall Working Group and Selectmen, this was very informational and very enlightening it would have been very helpful.

Mr. Gray is concerned that it gets aired out at the public information meeting and lesser so at town meeting.

Mr. Keegan stated that it has been his experience that this really does help people to feel comfortable about an issue before it is presented. Also, if we can anticipate questions and understand what is concerning to people. A lot of misinformation gets circulated as we well know, half information, not fully vetted information and as a result people form opinions pretty quickly about something that is not necessarily based on factual information.

Mr. Keegan stated that the group discussed the renovation issue tonight. Mr. Keegan asked the group if anyone could tell him with certainty what the final costs will be for renovation. The answer was no.

With a new project we know what the numbers are going to be and it is going to be clear.

If we are going to spend a significant amount of tax payer's dollars for a project of this nature and significance we should get the best product we can get for it. That is critically important in

this discussion and I have not been persuaded by any of the information that has been presented so far that doing a renovation of the building is going to provide us with a better product in the end. A vast majority of my committee members feel the same way. The Working Group has been very supportive of that position for lots of reasons.

Ms. Coppola stated at the meeting with the Advisory Committee the Chairman of the Advisory Committee polled your group individually and one person said they were in favor of renovation and the rest of them were for a new building.

Mr. Keegan stated that if individuals in the community have questions that they want to talk to me about or members of the group about how we reached conclusions about things, we are more than happy to talk to you directly or talk to a group of people.

8:25pm – Town Manager Update

Mr. Keegan met with the Metro West Managers last Thursday in Natick and he took along two members of our police department with him. The topic was different types of social media. They are using Twitter, Facebook and different types of social media avenues to communicate this information. The meeting was helpful but is also a big time investment. I am not sure we are tooled well enough right now to deal with that but I think we need to refocus our efforts a little bit to see how we can do that. The world has changed and that's how they communicate nowadays.

Some communities are retooling their organizations (not adding positions but retooling positions) to become communications directors which actually handle dealing with Twitter and Facebook and web pages to make sure they are up-to-date providing all the information people need for understanding what government is doing for them. I think this is something we have to look at organizationally.

Mr. Keegan also wanted to raise a delicate issue. Selectman DeVellis had talked to me during the week about somehow creating a report on the whole Sheehan matter.

It has been out there for quite a long time and we need to bring this to closure at some point because there isn't a lot that we can do.

I would like to have a conversation with the Chief and the Board in Executive Session because of legal issues.

Mr. DeVellis stated that it wasn't anything specific, there is no closure right now. I want to collectively figure out how we are addressing this and put something together and say this is what we are doing and this is what we have done.

On a side note we have been meeting every other week with the Child Sexual Abuse Prevention Awareness Committee along with school and church. A couple of weeks ago they trained another large group of coaches and child leaders, Darkness to Light. We are dealing with that

part as well. That whole dark of what happened and where is the report and where is the closure is missing right now.

I just wanted to get the Board's approval or opinion.

Mr. Gray stated that he thinks it is an important topic and I know it has been hanging out there for a while and hopefully collectively we can find the resources to close it.

Mr. Keegan stated that the Board will notice a new improvement to the website (it was put on last week). This is through the work that the Town Clerk, Bob Cutler and his team did. They were able to finalize the work with General Code and you can now access our by-laws and the charter on line. You can actually search out certain topics in the by-laws and all relevant laws associated with the Town of Foxborough.

Mr. Keegan stated that last Tuesday he had the pleasure of attending the ribbon cutting of the Igo Playground. Mr. Kraft and the NFL Play 60 Organization donated a substantial amount of money. It was a \$30,000 grant from the NFL Play 60 Organization but also Mr. Kraft donated another \$30,000 from his own funds as well as funding for a new sound system for the choir. This was very generous of him to do that. They invited Mr. Kraft back to the ribbon cutting and he was there. It was a great Citizen's Input ceremony and the school department did a great job.

There are several television shows that I have been working on:

- Show with Vicki Lowe on Your Senior Your Center (talked about the town hall project).
- I am taping my own show this Friday where Bill Yucca, Ken Elovitz and Mary Beth Bernard will be my guests.
- I am going to be on the Bob Hickey show on October 20, 2014. We will be talking about the town hall project as well as other issues.

Last week we went to the Ad Com meeting which was a great meeting as well.

Last but not least I think we should have a conversation about the budget process that will be coming up next month. Mr. Keegan will present his philosophy on how to present the budget and he would like the Board to provide him with some input and direction as to what they think is important.

Action Items (Cont'd)

Motion was made by Virginia Coppola to accept the Warrant for State Election as written.
Seconded by John Gray. **Vote 4-0-0**

Motion was made by Virginia Coppola to approve Lawrence W. Foster/American Legion's application for a Coin-Operated Pool Table license expiring May 1, 2015. Seconded by John Gray. **Vote 4-0-0**

Motion was made by John Gray to Adjourn at 8:35pm. Seconded by James DeVellis.
Vote 4-0-0

Respectfully Submitted,

Debra A. Jarvis

Virginia M. Coppola, Clerk